

BEFORE THE SUPERINTENDENT OF PUBLIC INSTRUCTION

STATE OF MONTANA

* * * * *

GENE A. & BETTYE I. SIPE)	
)	
APPELLANT,)	OSPI-6083
)	
VS.)	
)	
MALTA HIGH SCHOOL,)	FINDINGS OF FACT, CONCLUSIONS
)	OF LAW AND ORDER
Respondent)	

* * * * *

Appellants have appealed the decision of the Phillips County Superintendent of Schools dated September 1, 1983. Pursuant to notice, briefs have been submitted by the parties and this matter is deemed submitted for decision. After review of the briefs and the file on exhibits in this matter, I now make these:

FINDINGS OF FACT

1. On the nights of February 24th and 25th, 1983, vehicles belonging to Malta school officials were vandalized by painting.
2. On March 4th and 5th, 1983, three staff members' cars were vandalized by painting.
3. These activities were reported by Malta High School officials to the local police department.



4. The police requested that no action be taken until their investigation was completed.

5. The police investigation confirmed that the children of the Appellants were involved in the vandalism incidents.

6. On or about March 14, 1983, the principal of Malta High School summoned the students of the Appellants as well as other suspected students into her office with the Superintendent and confronted the students with the charges and gave them a chance to respond.

7. The students, including the children of the Appellants, did not deny their participation in the vandalism and in fact admitted their participation and did not offer any excuses or defenses.

8. Following this meeting, the principal suspended the children, including the children of the Appellants, for ten days. She made provisions for them to obtain their homework assignments and notified their parents in writing of the suspension action. The parents appealed the decision of the principal and superintendent to the Board of Trustees who affirmed the decision of suspension on May 11, 1983.

9. The decision of the Board of Trustees was appealed to the county superintendent who held a hearing on July 14, 1983 and issued her decision on September 1, 1983.

10. This appeal followed.

11. That at no time during any of the appeals did the students testify.

12. Appellants did not deny that their children participated in these acts of vandalism.

13. Acts of vandalism to school officials' automobiles does have an impact on the operation of the school.

From the foregoing findings of fact, I now draw the following:

CONCLUSIONS OF LAW

1. That the direct administration of the school system is delegated to the superintendent who the board appoints as the executive officer of the board. The superintendent is directly responsible to the board.

2. That suspension and expulsion are provided for by Section 20-5-201 and 202, MCA.

3. That the actions of the Appellants' children were properly punishable by suspension.

4. That the students did receive oral notice of the charge against them which they did not deny and which they admitted.

5. That a hearing is not necessary to conform to due process requirements for suspension of the students when they are confronted with the charges against them, do not deny the charges and, indeed, admit to them.

6. That the principal of Malta High School did have the authority to suspend the students in view of the facts of this particular situation.

7. That the students Brent E. and Monte F. Sipe were afforded due process, in this instance.

From the foregoing findings of fact and conclusion of law, I now:

ORDER

That the decision of the Phillips County Superintendent of Schools dated September 1, 1983, be and is hereby affirmed.

BEFORE THE SUPERINTENDENT OF PUBLIC INSTRUCTION

STATE OF MONTANA

* * * * *

Aaron Stansberry,)	
Appellant)	FINDINGS OF FACT,
)	
vs.)	CONCLUSIONS OF LAW & ORDER
)	
Trustees of Roosevelt)	
County High School District)	OSPI 57-83
#45A,)	
Respondents)	

* * * * *

This matter was noticed, briefed, and heard before the State Superintendent on December 16, 1983. After that argument this matter was deemed submitted for decision and I, after reviewing the briefs and files in this matter, now make these:

FINDINGS OF FACT

1. The appellant, Aaron Stansberry, was a tenured teacher in Wolf Point High School District #45A. He had taught there seven years prior to the 1982-83 school year.

2. Respondents are the duly elected trustees of High School District #45A in Wolf Point, Montana.

3. Appellant applied for sabbatical leave on October 18, 1981. His letter of application stated "If this application is accepted I intend to pursue either an MA or an MFA degree in English, concentrating in Creative Writing."